

SUBCHAPTER E. FIRE EXTINGUISHER RULES
§§34.501, 34.507, 34.510, 34.511, 34.517, and 34.520**SUBCHAPTER F. FIRE ALARM RULES**
§§34.604, 34.607, 34.610, 34.611, 34.613, 34.616, 34.620, 34.623, and 34.630**SUBCHAPTER G. FIRE SPRINKLER RULES**
§§34.707, 34.711, 34.716, 34.718, 34.719, and 34.721

1. INTRODUCTION. The Texas Department of Insurance adopts amendments to 28 TAC Chapter 34, Subchapter E, Fire Extinguisher Rules §§34.501, 34.507, 34.510, 34.511, 34.517, and 34.520; Subchapter F, Fire Alarm Rules, §§34.604, 34.607, 34.610, 34.611, 34.613, 34.616, 34.620, 34.623, and 34.630; and Subchapter G, Fire Sprinkler Rules §§34.707, 34.711, 34.716, 34.718, 34.719, and 34.721. TDI adopts §§34.510, 34.511, 34.517, 34.520; Subchapter F, Fire Alarm Rules, §§34.604, 34.607, 34.610, 34.611, 34.613, 34.616, 34.623, 34.630, 34.711, 34.716, 34.718, 34.719, and 34.721 with changes to the proposed text published in the April 25, 2014, issue of the *Texas Register* (39 TexReg 3362). TDI adopts §§34.501, 34.507, 34.620, and 34.707 without changes.

2. REASONED JUSTIFICATION. These amendments are necessary to implement statutory revisions; adopt National Fire Protection Association (NFPA) codes and standards, and UL standards; clarify the intent of the regulations; delete obsolete references; revise tags, labels, stamps, and standardize signage requirements; allow for optional adhesive tags; and correct form numbers.

In response to written comments on the published proposal, TDI has adopted changes to the proposed text in §34.616. TDI does not adopt proposed §34.616(c)(7). TDI adopts nonsubstantive changes to §§34.510, 34.511, 34.517, 34.520; Subchapter F, Fire Alarm Rules, §§34.604, 34.607, 34.610, 34.611, 34.613, 34.616, 34.623, 34.630; 34.711, 34.716, 34.718, 34.719, and 34.721 for clarity and to conform to agency style guidelines.

TDI adopts an amendment to rename Subchapter E, Fire Extinguisher and Installation, "Fire Extinguisher Rules," to provide clarity and to be consistent with the captions for Subchapters F and G.

TDI adopts an amendment to §34.501 to conform it to HB 2447, 83rd Legislature, Regular Session, 2013. In accord with Insurance Code Chapter 6001, fire extinguisher equipment must be listed by a testing laboratory approved by the commissioner, and not merely labeled.

TDI adopts an amendment to §34.507 to update current standards and include additional standards. The proposed amendment revises 10 applicable NFPA standards and adopts one new NFPA standard. The proposed revised standards are: NFPA 10-2013, Standard for Portable Fire Extinguishers; NFPA 12-2011, Standard on Carbon Dioxide Extinguishing System; NFPA 15-2012, Standard for Water Spray Fixed Systems for Fire Protection; NFPA 16-2011, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems; NFPA 17-2013, Standard for Dry Chemical Extinguishing Systems; NFPA 17A-2013, Standard for Wet Chemical Extinguishing Systems; NFPA 18-2011, Standard on Wetting Agents; NFPA 25-2014, Standard for the

Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems; NFPA 96-2014, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations; and NFPA 2001-2012, Standard on Clean Agent Fire Extinguishing Systems. TDI also adopts the new NFPA 33-2011, Standard for Spray Application Using Flammable or Combustible Materials and NFPA 2010-2010, Standard for Fixed Aerosol Fire-Extinguishing Systems. The updated standards are necessary to better protect the health and safety of the public

TDI adopts an amendment to §34.510 to standardize signage across all industry certificate holders in Texas. The requirements would only apply to vehicles regularly used, modifies the placement of the registration number, and modifies the format of the displayed registration number.

An adopted amendment to §34.511 deletes subsection (b) relating to the posting of licenses on the wall of the firm's business establishment. The requirement is obsolete and duplicative of pocket license requirements. The subsections in §34.511 are redesignated. TDI also amends subsection (f) to clarify that a license must not be expired for the license holder to engage in the business for which the license is granted.

TDI adopts an amendment to §34.517 to clarify that writing the date on a seal with a marker is not permissible. The amendment requires the date to be stamped into the tamper seal. The amendment also is made so that language pertaining to the anti-tampering flag matches NFPA 10. Subsection (k) is deleted because NFPA 17 already references UL 1254.

TDI adopts an amendment to §34.520 to add information required on service tags to accommodate NFPA 96-11.2.5. As amended, the service tag requires the year of manufacture for new fusible links and the date of installation for new fusible links. In addition, TDI adopts new subsection (h) to allow optional use of an adhesive label type tag for environments where standard tags are easily damaged or lost.

TDI adopts an amendment to §34.604 to clarify that professional engineers are responsible for designing to adopted standards. In accord with Insurance Code §6002.155, professionally exempt persons are exempt from licensing requirements, but the provisions of that chapter and these rules relating to adopted safety standards for fire detection and fire alarm devices are applicable.

TDI adopts an amendment to §34.607 to update current standards and include additional standards. The amendment revises applicable NFPA or UL standards: NFPA 12-2011, Standard on Carbon Dioxide Extinguishing Systems; NFPA 13-2013, Standard for the Installation of Sprinkler Systems; NFPA 13D-2013, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; NFPA 13R-2013, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies; NFPA 15-2012, Standard for Water Spray Fixed Systems for Fire Protection; NFPA 16-2011, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems; NFPA 17-2013, Standard for Dry Chemical Extinguishing Systems; NFPA 17A-2013, Standard for Wet Chemical Extinguishing Systems; NFPA 25-2014, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems; NFPA 70-2014, National Electrical Code; NFPA

72-2013, National Fire Alarm Code; NFPA 90A-2012, Standard for the Installation of Air Conditioning and Ventilating Systems; NFPA 101®-2012; UL 827 October 1, 2008, Standard for Central Station Alarm Services; and NFPA 2001- 2012, Standard on Clean Agent Fire Extinguisher Systems. The amendments and addition of the new standards are necessary to better protect the health and safety of the public.

TDI adopts an amendment to §34.610 to standardize language across regulated fire protection industries in Texas.

TDI adopts an amendment to §34.611 to clarify that a license must not be expired for the license holder to engage in the business for which the license is granted.

TDI adopts an amendment to §34.613 to conform it with HB 458, 83rd Legislature, Regular Session, 2013, which created new types of licenses. HB 458 added two new license types: the residential fire alarm technician license and the residential fire alarm superintendent license.

TDI adopts amendments to §34.620, including Figure 28 TAC §34.620(e) and Figure 28 TAC §34.620(g), to combine both labels into a single label. The modification eliminates the one- or two-family residence installation label, and combines it with the commercial building or non-one- or two-family residence installation label so that it is just one label. The resulting change also adds a place for planner information on one- or two-family residential installations. The additional information will help with further inspections, and TDI licensing oversight.

TDI adopts an amendment to §34.623 and Figure 28 TAC §34.623(h) to remove reference to codes at time of installation. On older systems, it is often difficult to

determine when the alarm system was installed and what standards were in place at the time.

TDI adopts an amendment to §34.630 to correct the referenced form number.

TDI adopts an amendment to §34.707 to update current standards and include additional standards. The adopted amendment revises applicable NFPA standards. The adopted standards are: NFPA 13-2013, Standard for the Installation of Sprinkler Systems; NFPA 25-2014, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems; NFPA 13D-2013, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; NFPA 13R-2013, Standard for the Installation of Sprinkler Systems in Low-Rise Residential; NFPA 14-2013, Standard for the Installation of Standpipe and Hose Systems; NFPA 15-2012, Standard for Water Spray Fixed Systems for Fire Protection; NFPA 16-2011, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems; NFPA 20-2013, Standard for the Installation of Stationary Pumps for Fire Protection; NFPA 22-2013, Standard for Water Tanks for Private Fire Protection; NFPA 24-2013, Standard for the installation of Private Fire Service Mains and Their Appurtenances; NFPA 30-2012, Flammable and Combustible Liquids Code; NFPA 214-2011, Standard on Water-Cooling Towers; NFPA 409-2011, Standard on Aircraft Hangars. TDI also adopts new NFPA 750-2010, Standard on Water Mist Fire Protection Systems. The updated standards are necessary to better protect the health and safety of the public.

TDI adopts an amendment to §34.711 to clarify that a license must not be expired for the license holder to engage in the business for which the license is granted.

TDI adopts an amendment to §34.716 to standardize signage across all industry certificate holders. The requirements would only apply to vehicles that are regularly used, modify the placement of the registration number, and modify the format of the displayed registration number. Another amendment deletes an obsolete year reference. The amendment also removes underground fire main reference for consistency with the statute, and it clarifies which licensed responsible managing employee (RME) may affix a certificate for installation.

TDI adopts an amendment to §34.718 to require the signature and license number of the RME for the installation tag. This change will assist in the documentation and enforcement of the rules. Another adopted amendment to the section clarifies that the system must comply with the applicable standard before tagging with an installation tag.

TDI adopts an amendment to §34.719 to clarify the intent of the service tag is to apply to both impairment and noncompliant conditions.

TDI adopts an amendment to §34.721 to clarify that the intent of the yellow tag and assist local authorities having jurisdiction in enforcing the maintenance requirements of NFPA 25. Another amendment clarifies that any service person or inspector may attach yellow tags. TDI also removes references to “impairments” to amend the wording on removal to match the language used on red tags.

The adopted amendments also make numerous editorial changes to improve readability and consistency, and conform to current agency style. These changes include replacing “shall” with “must” or “will” and amending inconsistent capitalization.

Summary of Changes to Adopted Standards

NFPA 10--NFPA 10 revised the 2013 edition of this standard, which addresses Class D extinguishing agents and the phase out of listed Halon extinguishers. NFPA 10 expands the definition of halocarbons to permit the use of any halocarbon agent acceptable under the U.S. EPA Significant New Alternatives Policy program. For easy reference, NFPA 10 expands the list of NFPA documents that contain additional requirements that supersede those found in this standard. Added are new travel distances for obstacle, gravity or three-dimensional, and pressure fire hazards. Chapter 7, Inspection, Maintenance, and Recharging, and Annex E, Distribution, have been significantly revised and restructured. NFPA 10 adds to Annex F Selection of Residential Fire-Extinguishing Equipment instructions for inspection and maintenance of residential extinguishers.

NFPA 12--The 2011 edition of this standard is a partial revision that includes a modification to the requirements for system operational tests.

NFPA 13--The 2013 edition of NFPA 13 included changes to many technical requirements as well as the reorganization of multiple chapters. One significant change that NFPA made to the administrative chapter of NFPA 13 was to clarify that water mist systems were not covered in NFPA. A series of new requirements address the need for a compatibility review where nonmetallic piping and fittings are installed in systems also using petroleum-based products such as cutting oils and corrosion inhibitors. NFPA 13 made several modifications to the standard pertaining to freeze protection. New NFPA 13 prohibits using antifreeze in sprinkler systems unless the solution used has been

listed, and the listing indicates that the solution is unable to ignite. Other freeze protection modifications to the standard include clarification on the use of heat tracing and required barrel length for dry sprinklers, allowing submission of engineering analyses to support an alternate freeze protection scheme. NFPA 13 added new sprinkler omission requirements for elevator machine rooms and other elevator-associated spaces meeting certain criteria. Chapter 9 includes updated information on shared support structures, as well as a revised seismic bracing calculation form. NFPA 13 reorganizes Chapters 16 and 17 to make the chapters easier to follow and to create more consistency among the various storage chapters. NFPA 13 adds a new chapter on alternative approaches for storage applications to provide guidance on performance-based approaches for dealing with storage arrangements.

NFPA 13D--The 2013 edition of NFPA 13D includes a restructuring to make the document easier to use. It adds four new chapters that break out freeze protection, acceptance testing, maintenance, and discharge criteria into their own chapters. This edition includes modification to the definitions of “multipurpose” and “stand-alone” systems, and a new definition for “passive purge” systems. NFPA 13D adds new language addressing the number of heads to be calculated for certain sloped-ceiling and beamed-ceiling configurations, based on a Fire Protection Research Foundation Report. NFPA 13D also updates antifreeze requirements.

NFPA 13R--The 2013 edition revised the title to address low-rise residential occupancies instead of addressing the number of stories outlined in the document scope. NFPA 13R added several sections to address the concept of shadow areas in

different configurations in NFPA 13R-protected structures. TDI updated the requirements for sprinkler locations to provide specific direction on protection of porte cocheres, closets, and areas outside of the dwelling unit. NFPA 13R adds new language addressing the number of heads to be calculated for certain sloped-ceiling and beamed-ceiling configurations, based on a Fire Protection Research Foundation Report. Also note that the title of the code has been amended.

NFPA 14--The 2013 edition revises clearance requirements around hose valve handles where hose valves are located within cabinets and where they are adjacent to objects. NFPA also defined travel distance, as it applies to this standard. NFPA 14 adds the term "horizontal standpipe" to the requirement for pipe protection. NFPA 14 clarified heat-tracing requirements, along with added requirements for the pitching of pipe used in a dry system. The valve and drain requirements have been extensively revised, providing greater guidance and clarification. NFPA 14 also adds new criteria and a new figure regarding horizontal exists.

NFPA 15--The 2012 edition provides updated rules for grooved couplings to comply with changes in the 2010 edition of NFPA 13. Other changes include an expanded section on designing for flammable vapor mitigation and the addition of new contractor's material and test certificates.

NFPA 16--The 2011 edition updates and clarifies the criteria for acceptance testing of the concentration of foam to specific tolerance ranges. The standard clarifies that the orifice indicator tabs or nameplate must be permanently marked. The 2011 edition also makes the hose stream allowance consistent with NFPA 13, Standard for

the Installation of Sprinkler Systems. In addition, the alcohol-resistant foams do not follow the Darcy-Weisbach formula because they are non-Newtonian fluids.

NFPA 17, 17A--The 2013 edition of this standard clarifies the requirements for inspection and maintenance and provides new requirements for installation acceptance.

NFPA 18--The 2011 edition also has undergone extensive technical and editorial revision. Technical changes include limits for aquatic toxicity for parity and consistency with other product standards. NFPA 18 has undergone editorial changes that include updating the structure of the standard to comply with the Manual of Style for NFPA Technical Committee Documents.

NFPA 20--The 2013 edition clarifies and adds new requirements for water mist positive displacement pumping units. Chapter 5 of the standard has been reorganized. NFPA has revised the limited service controller requirements and removed the component replacement table.

NFPA 22--The 2013 edition adds sizing requirements for break tanks in Chapter 4 and sizing procedures for pressure tanks in the Chapter 7 annex material. NFPA has defined the term "suction tank," and revised the requirements for anti-vortex plates. NFPA 22 also updates Table 5.4 to align it with current industry standards.

NFPA 24--The 2013 edition of NFPA 24 includes clarifications on the requirements for running piping under buildings, including annex figures depicting clearances. It modifies the Contractors Material and Test Certificate for Underground Piping (Figure 10.10.1) to include confirmation that the forward flow test of the backflow preventer has been conducted. NFPA 24 adds a provision that requires the automatic

drip valve to be located in an accessible location that permits inspections according to NFPA 25.

NFPA 25--The 2014 edition of NFPA 25 includes significant changes, many specific to the chapter on fire pumps. The operating test requirements now consider a baseline weekly test for all pumps with a series of exceptions that allow for a modified testing frequency. NFPA 25 added new language to address confirmation of pressure recordings and a new fuel quality test for diesel-driven pumps. NFPA 25 added definitions for the various frequencies of inspection, testing, and maintenance tasks to create a time frame for completion of the task. NFPA modified the concept of “internal inspection” to an internal assessment concept, where a performance-based assessment frequency is explicitly addressed. NFPA 25 updated the scope of the Technical Committee on Inspection, Testing, and Maintenance of Water-Based Systems to address water mist systems. Because the material on water mist systems in this chapter is now in the jurisdiction of NFPA 25, the water mist system extract tags in NFPA 750 have been removed from that chapter. NFPA 25 also adds a new chapter to address NFPA 13D systems installed outside of one- and two-family homes. NFPA 25 updates requirements for inspecting antifreeze systems to include the latest information from the Fire Protection Research Foundation testing on standard spray sprinklers. The table providing examples of classifications for deficiencies and impairments has been relocated from Annex E to Annex A, and is attached to the definition of “deficiency.”

NFPA 30 – The 2012 edition of NFPA 30 incorporates several technical changes, as follows. (1) Use and installation of alcohol-based hand rub dispensers have been

exempted from the standards. (2) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, has been added to section 1.5 as one of the NFPA codes and standards deemed equivalent to the UL standards, for purposes of installation of fuel tanks for diesel-driven fire pumps. (3) Amended definitions for the various building occupancies conform to the preferred definitions in NFPA 101, Life Safety Code. (4) Definitions of “fire-resistant tank” and “protected aboveground tank” have been relocated to Chapter 22, Storage of Liquids in Tanks – Aboveground Storage Tanks. (5) New provisions require that Class II and Class III liquids that are stored, handled, processed, or used at temperatures at or above their flash points follow all applicable requirements in the code for Class I liquids unless an engineering evaluation deems otherwise (supplementary information has been included in Annex A, and a direct reference to this provision has been added at appropriate locations in subsequent chapters). (6) A new annex item in 6.5.1 explains that use of spark-resistant tools must be evaluated on a case-by-case basis. (7) New section 6.10 and the accompanying Annex G address management of facility security by means of a mandatory security and vulnerability assessment (Annex G provides an outline of a suggested assessment process). (8) Annex guidance for selecting a safe location for venting flammable liquid storage cabinets has been added to 9.5.4.2. (9) Amended provisions for flammable liquids storage cabinets incorporate more extensive marking requirements. (10) A footnote added to Table 9.9.1, Fire Resistance Ratings for Liquid Storage Areas, indicates that no fire resistance rating is required for separation walls for accessory use areas of a small floor area. (11) Revisions to section 13.3 more clearly establish the

3381

required separation between detached unprotected liquids storage buildings, and both protected and unprotected exposed properties. (12) Numerous minor amendments clarify application of the provisions in Chapter 16. (13) New subsection 17.3.7 has been added to address process vessels used to heat liquids to temperatures at or above their flash points, as suggested by the U.S. Chemical Safety and Hazard Investigation Board. (14) An Annex A item has been added to 18.6.3 to provide guidance for selecting a safe location to which a flammable liquids dispensing area can be vented. (15) Amended subsection 21.4.3, Normal Venting for Storage Tanks, clarifies its application (an Annex A item is included to clarify that the interstitial space of a secondary containment tank does not require normal venting). (16) A new 21.5.2.1 clarifies that tightness testing is not required for an interstitial space of a secondary containment tank that maintains factory-applied vacuum. (17) A note and Annex A item added to Table 22.4.2.1, Minimum Shell-to-Shell Spacing of Aboveground Storage Tanks, explains the term “sum of adjacent diameters” and its determination. (18) Amended subsection 22.17.4 provides additional guidance on handling floating roof pontoons that have been breached by liquids or vapors. Finally, (19) amended section 23.14 no longer allows the use of water ballasts to secure underground tanks in areas subject to flooding.

NFPA 33--The 2011 edition of the code provides requirements to mitigate fire and explosion hazards of spray application processes that use flammable or combustible materials. The code also includes specific requirements for powder coating processes, vehicle undercoating and body lining, limited finishing workstations, and hand lay-up and spray fabrication of glass fiber-reinforced plastics.

NFPA 70--The 2014 edition of the code provides the latest benchmark for safe electrical design, installation, and inspection to protect people and property from electrical hazards. The revised edition makes technical and editorial revisions.

NFPA 72--The 2013 edition of the codes and standards builds on the organizational changes made in the 2010 edition. New Chapter 7 adds “documentation” to improve the usability of the document. The chapter provides a central location for all the documentation requirements of the codes. The new chapter contains the documentation provisions and provides references to documentation requirements contained in other chapters. As an example, the new chapter contains the minimum documentation requirements that apply to any system covered by the codes and standards, while additional document requirements that might apply from other parts of the codes or from other governing laws, codes, or standards, are listed with an appropriate reference. The Record of Completion and Record of Inspection, Testing, and Maintenance forms are revised so they are easier to use. NFPA has reorganized Chapter 10, Fundamentals, in the 2013 edition of the codes and standards to provide a more user-friendly flow of requirements. In addition, requirements for circuit monitoring found in the previous edition of Chapter 10 have been moved to Chapter 12, Circuits and Pathways, a more logical location. NFPA made extensive usability changes in the inspection and testing tables of Chapter 14, Inspection, Testing, and Maintenance. The updated visual inspection table adds new inspection methods for each component along with the inspection frequency. The combined test methods and test frequency tables are now a single table in which the test method appears along with the test frequency

for each component. The component listings in both tables are reorganized and coordinated so that components and equipment are easier to find. The 2013 edition of the codes and standards also includes many technical updates. Among these are changes in Chapter 10, Fundamentals, requiring supervising station operators and fire alarm system service providers to report to the authority having jurisdiction over certain conditions of system impairment. Updated requirements for inspection, testing, and service personnel qualifications better reflect the level of qualification needed for each type of activity. Revised Chapter 18, Notification Appliances, now requires documentation of the locations that require audible notification appliances. The revised code adds area of coverage requirements for visible notification appliances. Changes in Chapter 21, Emergency Control Function Interfaces, address requirements for elevator recall when sprinklers are installed in elevator pits. The requirements for occupant evacuation elevators have also been completely revised to conform to changes being made in ASME A.17.1/B44, Safety Code for Elevators and Escalators. Changes in Chapter 24, Emergency Communications Systems, regarding the use of microphones, address the use of textual and graphical visible notification appliances for primary or supplemental notification, and update the requirements for emergency command centers. Changes in Chapter 26, Supervising Station Alarm Systems, address alarm signal verification, alarm signal content, restoration of signals, and update the communications methods. In addition, new definitions for unwanted alarms more precisely identify the sources of unwanted alarms. Changes in Chapter 29, Single- and Multiple-Station Alarms and Household Fire Alarm Systems, address the

connection of sprinkler waterflow switches to multiple-station alarms, and add new requirements addressing the smoke alarm resistance to common nuisance sources.

NFPA 90A--The 2012 edition updates many reference standards and corrects various terms to properly align with the standards from which they came.

NFPA 96--The 2014 edition introduces new requirements for the use of solid fuel as a flavor enhancer. It also adds a listing requirement for fans used in exhaust systems, a diagram of a wall-mounted fan, and a requirement for exhaust fan activation for any appliance under an exhaust hood. NFPA 96 adds criteria that affect existing dry or wet chemical systems not in compliance with ANSI/UL 300 when significant changes are made to a system, and that establish a deadline for fire protection systems to meet the minimum requirements.

NFPA 101--The 2012 edition expands what had been the definitions of “noncombustible material” and “limited-combustible material,” and moves the material to new subsections in Chapter 4. The material addressing elevators for occupant-controlled evacuation that had comprised Annex B is moved to Chapter 7. A new section is added to Chapter 7 to address normally unoccupied building service equipment support areas. Chapter 8 expands the table addressing minimum fire protection ratings for opening protectives. Added to Chapter 9 are provisions for carbon monoxide detection. Added to some of the occupancy chapters are requirements for carbon monoxide detection. The health care occupancies provisions are modified to permit the health care setting to be made more homelike.

NFPA 214--The 2011 edition has made several clarifications to improve the standard's functionality for the user and to coordinate with other documents.

NFPA 409--The 2011 edition of this standard is also a partial revision. It added criteria to clarify where sprinklers are required for smaller hangars such as those used by general aviation entities. It removed unenforceable terms to comply with the Manual of Style for NFPA Technical Committee Documents.

NFPA 750--The 2010 edition includes new annex material providing guidance on obstructions to nozzle discharge, and a number of editorial revisions.

NFPA 2001--The 2012 edition includes a complete revision of Annex C. In addition, more information on the environmental impact of clean agents is added to Annex A.

NFPA 2010--The 2010 edition contains minimum requirements for fixed aerosol fire extinguishing systems. The standard is intended for use by those who purchase, design, install, test, inspect, approve, list, operate, and maintain fixed aerosol fire-extinguishing systems so that such equipment will function as intended throughout its life.

UL 827--the revised standard makes technical and editorial revisions.

3. SUMMARY OF COMMENTS AND AGENCY RESPONSE.

General Comment

Comment: One commenter states that although the fire extinguisher, fire alarm, and fire sprinkler rules require the licensed system contractor to notify the authority having

jurisdiction (AHJ) in writing to report red- and yellow-tagged systems, there is no requirement for the licensee to correct the deficiencies, replace the tags, and report the corrections to the AHJ. The commenter states that the requirements could have similar reporting time limitations to existing reporting of deficiencies.

Agency Response: TDI declines to make the suggested change. Adding a requirement to correct a deficiency, retag a device, and report the correction may be a substantive change requiring a new proposal to provide the proper notice. The scope of the suggested change also would exceed the authority of the state fire marshal. Fire protection regulations in Insurance Code Chapters 6001 – 6003 apply to regulated persons. Generally, the applicability of those statutes is not directly on the property owner. The state fire marshal has the authority, in certain situations, to order the correction of a dangerous condition. However, in most instances the responsibility and authority for addressing deficiencies is with the authority having jurisdiction. The purpose of regulations requiring the tagging of fire protection deficiency is to notify the authority having jurisdiction so that the authority is aware of the issue and can take action to require the property owner to correct the deficiency.

Section 34.616

Comment: Several commenters suggest that TDI not adopt the proposed amendment to §34.616(c)(7). One commenter states that while there can be need for expedience in obtaining information in investigations, the proposed amendment creates several problems. The commenter suggests that confidential information could be contained in

the reports. Any information received by an AHJ could potentially be released through an open records request. The commenter suggests that this information may contain private security information held in confidence by the alarm monitoring station and the installer. The commenters also state that the proposed amendment may violate the Fourth and Fifth Amendment of the United States Constitution. One commenter states that if civil or criminal issues are raised, the AHJ or state fire marshal should obtain a warrant. One commenter also states they are concerned with the ability of an AHJ to harass an alarm dealer. Another commenter also suggests that AHJs have had adversarial relationships with registered monitoring service firms and installing companies. One commenter also states that the definition of a local authority having jurisdiction is too broad with respect to who would be able to request information under the proposed amendment. Additionally, one commenter states that the issue is for the Legislature to decide.

Agency Response: TDI agrees that proposed amendments to §34.616(c)(7) are not necessary at this time. TDI has revised the section as adopted accordingly.

4. NAMES OF THOSE COMMENTING FOR AND AGAINST THE PROPOSAL.

For with changes: American Security Devices; City of Richardson; Commercial & Industrial Electronics Inc; Defender Protection Inc.; Dispatch Center Ltd; Intruder Alert Systems of San Antonio Inc.; Southwest Dispatch Center; and Texas Burglar and Fire Alarm Association.

5. STATUTORY AUTHORITY.*Statutory Authority for Subchapter E Amendments, Extinguisher Rules*

The amendments to subchapter E are adopted under Government Code §417.004 and §417.005, and Insurance Code §§6001.051, 6001.052, and 36.001.

Government Code §417.004 specifies that the commissioner of insurance performs the rulemaking functions previously performed by the Texas Commission on Fire Protection. Government Code §417.005 specifies that the commissioner may, after consulting with the state fire marshal, adopt necessary rules to guide the state fire marshal in the investigation of arson, fire, and suspected arson, and in the performance of other duties for the commissioner.

Insurance Code §6001.051(a) specifies that the department administers Insurance Code Chapter 6001. Insurance Code §6001.051(b) specifies that the commissioner may issue rules the commissioner considers necessary to administer Chapter 6001 through the state fire marshal. Insurance Code §6001.052(a) specifies that in adopting necessary rules, the commissioner may use recognized standards, including standards published by the National Fire Protection Association, recognized by federal law or regulation, published by any nationally recognized standards-making organization, or contained in the manufacturer's installation manuals. Insurance Code §6001.052(b) specifies that the commissioner must adopt and administer rules determined essentially necessary for the protection and preservation of life and property regarding: (i) registration of firms engaged in the business of installing or servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire

extinguisher systems or hydrostatic testing of fire extinguisher cylinders; (ii) the examination and licensing of individuals to install or service portable fire extinguishers and plan, certify, install, or service fixed fire extinguisher systems; and (iii) requirements for installing or servicing portable fire extinguishers and planning, certifying, installing, or servicing fixed fire extinguisher systems. Insurance Code §6001.052(c) specifies that the commissioner by rule shall prescribe requirements for applications and qualifications for licenses, permits, and certificates issued under this chapter.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of the department under the Insurance Code and other laws of this state.

Statutory Authority for Subchapter F Amendments, Fire Alarm Rules

The amendments to subchapter F are proposed under Government Code §417.004 and §417.005, and Insurance Code §§6002.051, 6002.052, and 36.001. Government Code §417.004 specifies that the commissioner performs the rulemaking functions previously performed by the Texas Commission on Fire Protection. Government Code §417.005 specifies that the commissioner may, after consulting with the state fire marshal, adopt necessary rules to guide the state fire marshal in the investigation of arson, fire, and suspected arson and in the performance of other duties for the commissioner.

Insurance Code §6002.051(a) specifies that the department shall administer Chapter 6002. Insurance Code §6002.051(b) specifies that the commissioner may adopt rules as necessary to administer Chapter 6002, including rules the commissioner

considers necessary to administer Chapter 6002 through the state fire marshal.

Insurance Code §6002.052(a) specifies that in adopting necessary rules, the commissioner may use: (i) recognized standards, such as, but not limited to standards of the National Fire Protection Association, standards recognized by federal law or regulation, or standards published by a nationally recognized standards-making organization; (ii) the National Electrical Code; or (iii) information provided by individual manufacturers. Insurance Code §6002.052(b) specifies that rules adopted under §6002.051 may create specialized licenses or registration certificates for an organization or individual engaged in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining fire alarm or fire detection devices or systems and that the rules must establish appropriate training and qualification standards for each kind of license and certificate. Insurance Code §6002.052(c) specifies that the commissioner must also adopt standards applicable to fire alarm devices, equipment, or systems regulated under this chapter and that in adopting these standards, the commissioner may allow the operation of a fire alarm monitoring station that relies on fire alarm devices or equipment approved or listed by a nationally recognized testing laboratory without regard to whether the monitoring station is approved or listed by a nationally recognized testing laboratory if the operator of the station demonstrates that the station operating standards are substantially equivalent to those required to be approved or listed.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of the department under the Insurance Code and other laws of this state.

Statutory Authority for Subchapter G Amendments, Sprinkler Rules

The amendments to subchapter G are proposed under Government Code §417.004 and §417.005 and Insurance Code §§6003.051, 6003.052, 6003.054, and 36.001. Government Code §417.004 specifies that the commissioner performs the rulemaking functions previously performed by the Texas Commission on Fire Protection. Government Code §417.005 specifies that the commissioner may, after consulting with the state fire marshal, adopt necessary rules to guide the state fire marshal in the investigation of arson, fire, and suspected arson, and in the performance of other duties for the commissioner.

Insurance Code §6003.051(a) specifies that the department administers Chapter 6003. Insurance Code §6003.051(b) specifies that the commissioner may issue rules necessary to administer Chapter 6003 through the state fire marshal. Insurance Code §6003.052(a) specifies that in adopting necessary rules, the commissioner may use recognized standards, including standards adopted by federal law or regulation; standards published by a nationally recognized standards-making organization; or standards developed by individual manufacturers. Section 6003.054(a) further specifies that the state fire marshal must implement the rules adopted by the commissioner for the protection and preservation of life and property in controlling: (i) the registration of an individual or an organization engaged in the business of planning, selling, installing,

maintaining, or servicing fire protection sprinkler systems; and (ii) the requirements for the plan, sale, installation, maintenance, or servicing of fire protection sprinkler systems by determining the criteria and qualifications for registration certificate and license holders; evaluating the qualifications of an applicant for a registration certificate to engage in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems; conducting examinations and evaluating the qualifications of a license applicant; and issuing registration certificates and licenses to qualified applicants.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of the department under the Insurance Code and other laws of this state.

6. TEXT.

SUBCHAPTER E. FIRE EXTINGUISHER RULES

§34.501. Purpose. The purpose of this subchapter is to regulate the business of leasing, renting, selling, installing, and servicing of portable fire extinguishers and the planning, certifying, installing, or servicing of fixed fire extinguisher systems and to prohibit portable fire extinguishers, fixed fire extinguisher systems, and extinguisher equipment not listed by a testing laboratory approved by the commissioner in the

interests of protecting and preserving lives and property under Insurance Code Chapter 6001.

§34.507. Adopted Standards. The commissioner adopts by reference in their entirety, except as noted, the following copyrighted standards and recommendations in this subchapter. If a standard refers to a provision in a specific edition of another standard, the provision is applicable only if it does not conflict with the adopted standard shown in this section. The standards are published by and available from the National Fire Protection Association, Inc., (NFPA), Batterymarch Park, Quincy, Massachusetts 02269. A copy of the standards will be available for public inspection in the State Fire Marshal's Office.

(1) NFPA 10-2013, Standard for Portable Fire Extinguishers.

(2) NFPA 11-2010, Standard for Low-, Medium-, and High-Expansion Foam and Combined Agent Systems.

(3) NFPA 12-2011, Standard on Carbon Dioxide Extinguishing Systems.

(4) NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems.

(5) NFPA 15-2012, Standard for Water Spray Fixed Systems for Fire Protection.

(6) NFPA 16-2011, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems.

(7) NFPA 17-2013, Standard for Dry Chemical Extinguishing Systems.

(8) NFPA 17A-2013, Standard for Wet Chemical Extinguishing Systems.

(9) NFPA 18-2011, Standard on Wetting Agents.

(10) NFPA 25-2014, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems.

(11) NFPA 33 2011, Standard for Spray Application Using Flammable or Combustible Materials.

(12) NFPA 96-2014, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.

(13) NFPA 2001-2012, Standard on Clean Agent Fire Extinguishing Systems.

(14) NFPA 2010-2010, Standard for Fixed Aerosol Fire-Extinguishing Systems.

§34.510. Certificates of Registration.

(a) Required. Each firm and each branch office engaged in the business must obtain a certificate of registration from the state fire marshal.

(b) Properly equipped licensed person. Before engaging in the business, each registered firm must have at least one licensed person who shall be properly equipped to perform the act or acts authorized by its certificate.

(c) Types of certificates. The business activities authorized by the certificate is limited to the business activities authorized under the license of its employees. A

separate Type C registration is required to engage in the business of hydrostatic testing of DOT specification fire extinguisher cylinders.

(d) Business location. A specific business location must be maintained by each registered firm, the location of which must be indicated on the certificate.

(e) Shop. A registered firm must establish and maintain a shop, whether at a specific location or in a mobile unit designed so that servicing, repairing, or hydrostatic testing can be performed. The shop must be adequately equipped to service or test all fire extinguishers or systems the registered firm installs and services. At a minimum, a firm must maintain the following:

(1) a copy of the most recently adopted edition of NFPA 10;

(2) a copy of the most recently adopted Insurance Code Chapter 6001

and this chapter;

(3) a list of manufacturers and/or types of portable extinguishers serviced with their respective manuals and/or part lists;

(4) portable weight scale to accurately measure extinguisher gross weights;

(5) seals or tamper indicators;

(6) temporary fire extinguishers replacements;

(7) if performing annual maintenance on carbon dioxide extinguishers, at a minimum, the following additional items are required:

(A) conductivity tester, and

(B) conductivity test label.

3381

(8) if performing internal maintenance for portable extinguishers, a written notice must be kept on file indicating the registered firm performing the maintenance or, at a minimum, the following additional items are required:

- (A) appropriate tools to remove and reinstall a valve head;
- (B) charging adapters;
- (C) Teflon tape, silicone grease, solvent or other lubricant used;
- (D) supply of spare parts for respective manufacturers and type of fire extinguishers serviced;
- (E) appropriate recharge agents;
- (F) agent fill funnels;
- (G) light designed to be used for internal inspections;
- (H) dry chemical closed recovery system or sufficient new dry chemical;
- (I) leak test equipment;
- (J) dry nitrogen cylinders, regulator and calibrated gauges for pressurizing cylinders;
- (K) verification collar rings; and
- (L) six year maintenance labels.

(9) if performing hydrostatic testing for portable extinguishers, a written notice must be kept on file indicating the registered firm performing the test or, at a minimum, the following additional items are required:

(A) working hydrostatic test pump, with flexible connection, check valves and fittings;

(B) protective cage or barrier;

(C) calibrated gauges;

(D) drying equipment;

(E) hydrostatic test log; and

(F) hydrostatic test labels.

(10) if performing maintenance for DOT specification portable fire extinguishers, a written notice must be kept on file indicating the registered firm that would perform the hydrostatic test when required or, at a minimum, the following additional items are required:

(A) a current Type C registration issued through the State Fire Marshal's Office; and

(B) verification of registration through the US DOT.

(11) if installing or servicing a fixed fire extinguisher system, at a minimum, the following additional items are required:

(A) a copy of the latest adopted edition of applicable NFPA standards with respect to the type of system installed or serviced;

(B) applicable manufacturer's service manuals for the type of system; and

(C) any special tools or parts as required by the manufacturer's manual.

(f) Business vehicles. All vehicles used regularly in installation, service, maintenance, testing, or certification activities must prominently display the company name, telephone number, and certificate of registration number. The numbers and letters must be at least one inch in height and permanently affixed or magnetically attached to each side of the vehicle in a color contrasting with the background color of the vehicle. The certificate-of-registration number must be designated in the following format: TX ECR-number.

(g) Branch Office Initial Certificate of Registration Fees and Expiration Dates. The initial fee for a branch office certificate of registration is \$100 and is not prorated. Branch office certificates of registration expire and renew on the same date as the certificate of registration for the registered firm's main office.

(h) Change of ownership.

(1) The total change of a firm's ownership invalidates the current certificate. To ensure continuance of the business, the new owners must submit an application for a new certificate to the state fire marshal 14 days prior to the change.

(2) A partial change in a firm's ownership will require a revised certificate if it affects the firm's name, location, or mailing address.

(i) Change of corporate officers. Any change of corporate officers must be reported in writing to the state fire marshal within 14 days. This change does not require an application for a new or revised certificate.

(j) Duplicate certificates. A certificate holder must obtain a duplicate certificate from the state fire marshal to replace a lost or destroyed certificate. The certificate

holder must submit written notification of the loss or destruction without delay, accompanied by the required fee.

(k) Revised certificates. The change of a firm's name, location, or mailing address requires a revised certificate. Within 14 days after the change requiring the revision, the registered firm must submit written notification of the necessary change accompanied by the required fee to the State Fire Marshal's Office.

(l) Nontransferable. A certificate is neither temporarily nor permanently transferable from one firm to another.

(m) Initial Alignment of the Expiration and Renewal Dates of Existing Branches. For branch offices in existence as of the effective date of this rule, branch office certificates of registration will expire and renew on the same date as the certificate of registration issued to the main office for that firm. All fees associated with the initial alignment of expiration and renewal dates for the branch office certificate of registration will prorate accordingly.

§34.511. Fire Extinguisher Licenses.

(a) Types of licenses. Each license must be identified by type, which indicates the business activity authorized under the license.

(1) Type PL--For planning, supervising, certifying, installing, or servicing of all fixed systems other than pre-engineered systems. A system planning licensee may also perform, supervise, or certify the installation or servicing of all pre-engineered fixed systems and portable fire extinguishers.

3381

(2) Type A--For certifying or servicing the installation of all fixed fire extinguisher systems, other than pre-engineered systems; or for installing, certifying, or servicing all pre-engineered fixed fire extinguisher systems, and certifying and servicing of portable extinguishers.

(3) Type B--For servicing, certifying, and low-pressure hydrostatic testing of portables.

(4) Type K--For installing, certifying, or servicing pre-engineered fixed fire extinguisher systems for the protection of cooking areas, and certifying and servicing portable extinguishers.

(5) Type R--For installing, certifying, or servicing pre-engineered fixed residential range top fire extinguisher systems.

(b) Pocket license. A licensee must carry a pocket license for identification while engaged in the activities of the business.

(c) Duplicate license. A duplicate license must be obtained from the state fire marshal to replace a lost or destroyed license. The license holder or registered firm must submit written notification of the loss or destruction, accompanied by the required fee.

(d) Revised license. The change of a licensee's registered firm or mailing address requires a revised license. Within 14 days after the change requiring the revision, the license holder or registered firm must submit written notification of the necessary change accompanied by the required fee.

(e) Restrictions.

(1) A licensee must not engage in any act of the business unless employed by a registered firm and holding an unexpired license.

(2) A license is neither temporarily nor permanently transferable from one person to another.

(3) A registered firm must notify the state fire marshal within 14 days after termination of employment of a licensee.

(4) A Type A or Type K license will not be issued to an individual unless the individual has held an apprentice permit or a Type B license for at least six months or has held a license to service fixed extinguisher systems for at least six months from another state.

(5) It will not be necessary for the applicant of a Type R license to hold an apprentice permit prior to the issuance of a Type R license.

§34.517. Installation and Service.

(a) The following requirements are applicable to all portable extinguishers.

(1) Portable extinguishers must be installed, serviced, and maintained in compliance with the manufacturer's instructions and with the applicable standards adopted in this subchapter.

(2) A service tag certifying the work the licensee performed must be securely attached to the portable extinguisher on completion of the work.

(3) When requested in writing by the owner, a portable fire extinguisher of the type described in subparagraphs (A), (B), and (C) of this paragraph may be serviced

according to the requirement of this subchapter, regardless of whether it carries the label of approval or listing of a testing laboratory approved according to this subchapter.

(A) All portable fire extinguishers serviced according to the requirements of the United States Coast Guard and installed for use in foreign shipping vessels;

(B) all portable carbon dioxide fire extinguishers serviced according to the requirements of the United States Department of Transportation; or

(C) cartridge actuated portable fire extinguishers used exclusively by employees of the firm owning the extinguishers.

(4) A licensee who services portable fire extinguishers according to paragraph (3) of this subsection, must comply with the following:

(A) The back of the service tag must be plainly marked with the words "No Listing Mark."

(B) All missing markings, code symbols, instructions, and information required by the applicable performance standard and fire test standard specified in §34.507(1) of this subchapter (relating to Adopted Standards), except for the approving or listing mark of the testing laboratory, must be affixed to each extinguisher in the form of a label designated in the standard.

(b) The following requirements are applicable to all fixed fire extinguisher systems.

(1) Fixed systems must be planned, installed, and serviced in compliance with the manufacturer's installation manuals and specifications or the applicable standards adopted in this subchapter.

(2) On completion of the installation of a pre-engineered fixed fire extinguisher system, a licensee authorized to certify pre-engineered fixed fire extinguishing systems under the provisions of this subchapter must place an installation label on the system to certify that the system was installed in compliance with the manufacturer's installation manuals and specifications or standards adopted by the commissioner in this subchapter. The licensee whose signature appears on the installation label must be present for the final test of the system prior to certification.

(3) On completion of the installation of a fixed fire extinguisher system other than a pre-engineered system, a Type A or Type PL licensee must place an installation label on the system to certify that the system was installed in compliance with the manufacturer's installation manuals and specifications, plans developed by a Type PL licensee or professional engineer, or standards adopted by the commissioner in this subchapter. The licensee whose signature appears on the installation label must be present for the final test of the system prior to certification.

(4) A service tag certifying the work the licensee performed must be securely attached to the system on completion of the work.

(c) Pre-engineered fixed fire extinguisher systems must be installed and serviced by a licensee authorized to install or service pre-engineered fixed fire extinguishing systems under the provisions of this subchapter.

(d) A pre-engineered fixed fire extinguisher system, except those covered by subsection (f) of this section, which has been previously installed in one location may be reinstalled in another location if:

- (1) the system is of the size and type necessary to protect all hazards;
- (2) all parts and equipment, when installed, will function as designed by the manufacturer; and
- (3) the system must comply with all applicable adopted standards.

(e) Fixed fire extinguisher systems other than pre-engineered systems must be planned, installed, or serviced by a Type PL licensee or professional engineer. Installation and servicing of such a system may also be performed by or supervised by a Type A licensee. An employee of the registered firm may install such systems, under the direct supervision of a Type A or PL licensee, without obtaining a license or permit.

(f) All pre-engineered fixed fire extinguishing systems, installed or modified after July 1, 1996, according to NFPA 17 or NFPA 17A or NFPA 96 of the adopted standards, for the protection of commercial cooking areas, must meet the minimum requirements of Underwriters Laboratories, Inc., Standard 300, "Fire Testing of Fire Extinguishing Systems for Protection of Restaurant Cooking Area" (UL 300). After January 1, 2008 all existing pre-engineered fixed fire extinguishing systems, installed in according to NFPA 17 or NFPA 17A or NFPA 96 of the adopted standards, for the protection of commercial cooking areas, must meet the minimum requirements of UL Standard 300, "Fire Testing of Fire Extinguishing Systems for Protection of Restaurant

Cooking Area” (UL 300) or a red tag must be attached following the procedures in §34.521 of this subchapter (relating to Red Tags).

(g) If the installation or servicing of a fixed fire extinguishing system includes the installation or servicing of any part of a fire alarm or detection system or a fire sprinkler system other than the installation and servicing of mechanical or pneumatic detection or actuation devices in connection with the fire extinguishing system, the licensing requirements of the appropriate Insurance Code Chapters 6002 or 6003 must be satisfied.

(h) The fixed temperature-sensing elements of the fusible metal alloy type, replaced while servicing a kitchen hood fire extinguishing system, must bear the manufacturer’s date stamp, which must be within one year of the date of the replacement. The year of manufacture for new fusible links must be listed on the service tag under service performed.

(i) The disposable actuation cartridge, replaced while servicing a kitchen hood fire extinguisher system, must bear the date of replacement.

(j) After operating the pull pin or locking device during maintenance of a portable fire extinguisher, the flag of the new tamper seal must bear the year it was attached. The date must be imprinted or embossed on the flag of the new tamper seal. Dates applied with a marker are not allowed.

§34.520. Service Tags.

(a) After any service, the licensee must complete a service tag in detail, indicating all work that done, and then attach the tag to the portable or fixed system in such a position as to permit convenient inspection and not hamper its actuation or operation. The signature of the licensee on the service tag certifies that the service performed complies with requirements of law.

(b) A new service tag, yellow tag or red tag, as applicable, must be attached each time service is performed.

(c) Service tags must bear the following information in the format of the tag shown in subsection (g) of this section:

- (1) "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL"
(all capital letters, at least 10-point boldface type);
- (2) firm's name, address, and telephone number;
- (3) firm's certificate-of-registration number;
- (4) licensee's name and license number;
- (5) licensee's signature (a stamped signature is prohibited);
- (6) month and year (to be punched);
- (7) type of work (to be punched);
- (8) service performed;
- (9) name and address of owner or occupant; and
- (10) extinguisher type, size, and location.

(d) Tags must be 5-1/4 inches in height and 2-5/8 inches in width. Service tags must not be red in color.

3381

TITLE 28. INSURANCE
Part I. Texas Department of Insurance
Chapter 34. State Fire Marshall

Adopted Sections
Page 40 of 79

(e) Tags may be printed and established for any five-year period.

(f) A service tag may be removed only by an authorized employee of a registered firm, an employee of the state fire marshal's office, or an authorized representative of a governmental agency with regulatory authority.

(g) Service tag:

3381

TITLE 28. INSURANCE
 Part I. Texas Department of Insurance
 Chapter 34. State Fire Marshall

Adopted Sections
 Page 41 of 79

Figure 28 TAC §34.520(g):

**DO NOT REMOVE BY ORDER OF
TEXAS STATE FIRE MARSHAL**

*Name & Address and Telephone
Number of Fire Protection Firm*

Certificate of Registration Number

Name of Licensee

License Number

Signature

TYPE OF WORK

MAINTENANCE

NEW EXTINGUISHER

SERVICE (List on back)

DATE OF LAST SERVICE

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
										2015	2016
										2014	
										2013	
										2012	

**EXTINGUISHER TYPE, SIZE and
LOCATION:**

OWNER'S NAME and ADDRESS

LIST SERVICE PERFORMED:

(Monthly Inspection – Initial and date below)

(h) Adhesive label type tags are permitted. The label must bear all information required by subsection (c) of this section.

SUBCHAPTER F. FIRE ALARM RULES

§34.604. Exceptions. The exceptions of Insurance Code §6002.155 are applicable to the sections of this subchapter. Professionally exempt individuals or organizations are exempt from license requirements only and will be responsible for ensuring that planning and installation of fire detection or fire alarm devices are performed according to standards adopted in §34.607 of this chapter except when the planning and installation complies with a more recent edition of an adopted standard.

§34.607. Adopted Standards.

(a) The commissioner adopts by reference those sections of the following copyrighted minimum standards, recommendations, and appendices concerning fire alarm, fire detection, or supervisory services or systems, except to the extent they are at variance with sections of this subchapter, Insurance Code Chapter 6002, or other state statutes. The standards are published by and are available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. A copy of the standards will be available for public inspection at the State Fire Marshal's Office.

(1) NFPA 11-2010, Standard for Low-, Medium-, and High-Expansion Foam.

(2) NFPA 12-2011, Standard on Carbon Dioxide Extinguishing Systems.

(3) NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems.

(4) NFPA 13-2013, Standard for the Installation of Sprinkler Systems.

(5) NFPA 13D-2013, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.

(6) NFPA 13R-2013, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies.

(7) NFPA 15-2012, Standard for Water Spray Fixed Systems for Fire Protection.

(8) NFPA 16-2011, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems.

(9) NFPA 17-2013, Standard for Dry Chemical Extinguishing Systems.

(10) NFPA 17A-2013, Standard for Wet Chemical Extinguishing Systems.

(11) NFPA 25-2014, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems.

(12) NFPA 70-2014, National Electrical Code.

(13) NFPA 72-2013, National Fire Alarm Code.

(14) NFPA 90A-2012, Standard for the Installation of Air Conditioning and Ventilating Systems.

(15) NFPA 101®-2012, or later editions, Code for Safety to Life from Fire in Buildings and Structures (Life Safety Code)®, or a local jurisdiction may adopt one set of the model codes listed in subsection (b) of this section instead of NFPA 101.

(16) UL 827 October 1, 2008, Standard for Central Station Alarm Services.

(17) NFPA 2001-2012, Standard on Clean Agent Fire Extinguisher Systems.

(b) The acceptable alternative model code sets are:

(1) the International Building Code®-2003 or later editions, and the International Fire Code-2003 or later editions; or

(2) the International Residential Code® for One- and Two-Family Dwellings-2003 or later editions.

§34.610. Certificates of Registration.

(a) Business location. A specific business location must be maintained by each registered firm. The location must be indicated on the certificate.

(b) Designated Employee. Each registered firm must specify one full-time employee holding a license under this subchapter as the firm's designated employee on their Fire Alarm Certificate of Registration Application, Form No. SF031, and on their Renewal Application for Fire Alarm Certificate of Registration, Form No. SF084. Any change in the designated employee under this section must be submitted in writing to the State Fire Marshal's Office within 14 days of its occurrence. An individual may not serve as a designated employee for more than one registered firm.

(c) Business vehicles. All vehicles regularly used in installation, service, maintenance, testing, or certification activities must prominently display the company name, telephone number, and certificate number. The numbers and letters must be at least one inch high and permanently affixed or magnetically attached to each side of the

vehicle in a color contrasting with the background color of the vehicle. The certificate of registration number must be designated in the following format: TX ACR-number.

(d) Change of ownership.

(1) The total change of a firm's ownership invalidates the current certificate. To ensure continuance of the business, a complete application for a new certificate must be submitted to the state fire marshal at least 14 days prior to such change.

(2) A partial change in a firm's ownership requires a revised certificate if it affects the firm's name, location, or mailing address.

(e) Change of corporate officers. Any change of corporate officers must be reported in writing to the state fire marshal within 14 days. This change does not require a revised certificate.

(f) Branch Office Initial Certificate of Registration Fees and Expiration Dates. The initial fee for a branch office certificate of registration is \$150 and not prorated. Branch office certificates of registration expire and renew on the same date as the certificate of registration for the registered firm's main office.

(g) Duplicate certificates. A duplicate certificate must be obtained from the state fire marshal to replace a lost or destroyed certificate. The certificate holder must submit written notification of the loss or destruction without delay, accompanied by the required fee.

(h) Revised certificates. The change of a firm's name, location, or mailing address requires a revised certificate. Within 14 days after the change requiring the

revision, the certificate holder must submit written notification of the necessary change accompanied by the required fee.

(i) Initial Alignment of the Expiration and Renewal Dates of Existing Branches.

For branch offices in existence as of the effective date of this rule, branch office certificates of registration must expire and renew on the same date as the certificate of registration issued to the main office for that firm. All fees associated with the initial alignment of expiration and renewal dates for the branch office certificate of registration must prorate accordingly.

§34.611. Licenses and Approvals.

(a) Types of licenses and approvals. The following licenses and approvals are issued by the State Fire Marshal's Office according to Insurance Code Chapter 6002 and this subchapter. As required by Insurance Code Chapter 6002, an individual or entity must be licensed or approved to lawfully perform the functions for which the license or approval is issued.

(1) Fire alarm technician license--For installing, inspecting, servicing, testing, maintaining, monitoring, and certifying fire alarm or fire detection devices and systems.

(2) Fire alarm monitoring technician license--For the monitoring of fire alarm or fire detection devices and systems.

(3) Instructor approval--For providing training at an approved training school in installing, certifying, inspecting, and servicing fire alarm or detection systems in single-family or two-family residences.

(4) Residential fire alarm superintendent single station license--For planning, installing, certifying, inspecting, testing, servicing, and maintaining single station smoke or heat detectors which are not a part of or connected to any other detection device or system in single-family or two-family residences.

(5) Residential fire alarm superintendent license--For planning, installing, certifying, inspecting, testing, servicing, monitoring, and maintaining fire alarm or fire detection devices and systems in single-family or two-family residences. A residential fire alarm superintendent may act as a fire alarm technician.

(6) Fire alarm planning superintendent license--For planning, installing, certifying, inspecting, testing, servicing, monitoring, and maintaining fire alarm or fire detection devices.

(7) Residential fire alarm technician license--For installing, certifying, inspecting, and servicing, but not planning, fire alarm or fire detection devices and systems in single-family or two-family residences.

(8) Training school approval--For conducting required training necessary for obtaining a residential fire alarm technician license.

(b) Pocket license and approval.

(1) A licensee must carry a pocket license for identification while engaged in the activities of the business.

(2) An instructor must carry the instructor's approval while providing training in an approved training school on the installing, certifying, inspecting, and servicing of fire alarm or detection systems in single-family or two-family residences.

(c) Duplicate license. A duplicate license must be obtained from the state fire marshal to replace a lost or destroyed license. The license holder or registered firm must submit written notification of the loss or destruction without delay, accompanied by the required fee.

(d) Licensee responsibilities relating to revised licenses. A change in the licensee's name, the licensee's mailing address, or a new or additional registered firm employing the licensee requires a revised license. Within 14 days after the change requiring the revision, the license holder must submit written notification of the necessary change accompanied by the required fee.

(e) Registered firms' responsibilities relating to licensees. A registered firm must submit notification of any licensee employment, termination, or resignation within 14 days of its occurrence.

(f) Restrictions on licensees and registered firms.

(1) A licensee must not engage in any act of the business unless employed by or as an agent of a registered firm and holding an unexpired license.

(2) Each person who engages in the activities of the business must have the appropriate license issued by the state fire marshal unless excepted from the licensing provisions by Insurance Code §6002.155.

(g) Restrictions on approval holders. Approvals are not transferable.

(h) Responsibilities relating to revised approvals. A change in an instructor's name or mailing address requires a revised approval. The change in the mailing address of a fire alarm training school requires a revised approval. Within 14 days after the change requiring the revision, the approval holder must submit written notification of the necessary change accompanied by the required fee.

§34.613. Applications.

(a) Approvals and Certificates of Registration.

(1) Applications for approvals, certificates, and branch office certificates must be submitted on the forms adopted by reference in §34.630 of this subchapter (relating to Application and Renewal Forms) and be accompanied by all fees, documents, and information required by the Insurance Code Chapter 6002 and this subchapter. An application will not be deemed complete until all required forms, fees, and documents have been received in the State Fire Marshal's Office.

(2) Applications must be signed by the sole proprietor, or by each partner of a partnership, or by an officer of a corporation. For applicants using an assumed name, the application must also be accompanied by evidence of compliance with the Assumed Business or Professional Name Act, Texas Business and Commerce Code Chapter 71. The application must also include written authorization by the applicant permitting the state fire marshal or his representative to enter, examine, and inspect any premises, building, room, or establishment used by the applicant while engaged in the

business to determine compliance with the provisions of the Insurance Code Chapter 6002 and this subchapter.

(3) For corporations, the application must also include the name of each shareholder owning more than 25 percent of the shares issued by the corporation; the corporate taxpayer identification number; the charter number; a copy of the corporate charter of a Texas corporation or, in the case of a foreign corporation, a copy of the Texas certificate of authority to do business; and a copy of the corporation's current franchise tax certificate of good standing issued by the comptroller.

(4) A registered firm must employ at least one full-time licensed individual at each location of a main or branch office.

(5) Insurance is required as follows.

(A) The state fire marshal will not issue a certificate of registration under this subchapter unless the applicant files with the State Fire Marshal's Office evidence of an acceptable general liability insurance policy.

(B) Each registered firm must maintain in force and on file in the State Fire Marshal's Office a certificate of insurance identifying the insured and the exact nature of the business insured. In identifying the named insured, the certificate of insurance must include either an assumed name or the name of the corporation, partners, if any, or sole proprietor, if applicable.

(6) A firm billing a customer for monitoring is engaged in the business of monitoring and must comply with the insurance requirements of this subchapter for a monitoring firm.

(7) Applicants for a certificate of registration who engage in monitoring must provide the specific business locations where monitoring will take place and the name and license number of the fire alarm licensees at each business location. A fire alarm licensee may not serve in this capacity for a registered firm other than the firm applying for a certificate of registration. In addition, the applicants must provide evidence of listing or certification as a central station by a testing laboratory approved by the commissioner and a statement that the monitoring service is in compliance with NFPA 72 as adopted in §34.607 of this subchapter (relating to Adopted Standards).

(8) Applicants for a certificate of registration--single station must provide a statement, signed by the sole proprietor, a partner of a partnership, or by an officer of the corporation, indicating that the firm exclusively engages in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining single station devices.

(b) Fire Alarm Licenses.

(1) To be complete, applications for a license from an employee or agent of a registered firm must be submitted on forms provided by the state fire marshal and be accompanied by all fees, documents, and information required by Insurance Code Chapter 6002 and this subchapter. Applications must be signed by the applicant and by a person authorized to sign on behalf of the registered firm. All applicants for any type of license must successfully complete a qualifying test regarding Insurance Code Chapter 6002 and the Fire Alarm Rules, as designated by the State Fire Marshal's Office. The qualifying test given as part of a training school for residential fire alarm

technician license must include questions regarding Chapter 6002 and the Fire Alarm Rules.

(2) Applicants for fire alarm technician licenses must:

(A) furnish notification from NICET confirming the applicant's successful completion of the test requirements in work elements pertaining to fire alarm systems, as determined by the state fire marshal; or

(B) successfully complete a technical qualifying test as designated by the State Fire Marshal's Office.

(3) Applicants for a fire alarm monitoring technician license must successfully complete a technical qualifying test as designated by the State Fire Marshal's Office or provide evidence of current registration in Texas as a registered engineer.

(4) Applicants for a residential fire alarm superintendent (single station) license must successfully complete a technical qualifying test as designated by the State Fire Marshal's Office.

(5) Applicants for a residential fire alarm superintendent license must:

(A) furnish notification from NICET confirming the applicant's successful completion of the test requirements in work elements pertaining to fire alarm systems, as determined by the state fire marshal; or

(B) successfully complete a technical qualifying test as designated by the State Fire Marshal's Office.

(6) Applications for a fire alarm planning superintendent license must be accompanied by one of the following documents as evidence of technical qualifications for a license:

- (A) proof of registration in Texas as a professional engineer; or
- (B) a copy of NICET's notification letter confirming the applicant's successful completion of the test requirements for NICET certification at Level III for fire alarm systems.

(7) An applicant for a residential fire alarm technician license must provide evidence of the applicant's successful completion of the required residential fire alarm technician training course from a training school approved by the State Fire Marshal's Office.

(c) Instructor and Training School Approvals.

- (1) Instructor approvals. An applicant for approval as an instructor must:
 - (A) hold a current fire alarm planning superintendent's license, residential fire alarm superintendent license, or fire alarm technician license issued by the State Fire Marshal's Office;
 - (B) submit a completed Instructor Approval Application, Form No. SF247, signed by the applicant, that is accompanied by all fees; and
 - (C) furnish written documentation of a minimum of three years of experience in fire alarm installation, service, or monitoring of fire alarm systems, unless the applicant has held a fire alarm planning superintendent's license, residential fire alarm superintendent license, or fire alarm technician license for three or more years.

(2) Training school approvals.

(A) An applicant for approval of a training school must submit a completed Training School Approval Application, Form No. SF 246, to the State Fire Marshal's Office. To be complete, the application must be:

(i) signed by the applicant, the sole proprietor, by each partner of a partnership, or by an officer of a corporation or organization as applicable;

(ii) accompanied by a detailed outline of the proposed subjects to be taught at the training school and the number and location of all training courses to be held within one year following approval of the application; and

(iii) accompanied by all required fees.

(B) After review of the application for approval for a training school, the state fire marshal will approve or deny the application within 60 days following receipt of the materials. A letter of denial will state the specific reasons for the denial. An applicant that is denied approval may reapply at any time by submitting a completed application that includes the changes necessary to address the specific reasons for denial.

(d) Renewal Applications.

(1) In order to be complete, renewal applications for certificates, licenses, instructor approvals, and training school approvals must be submitted on the forms adopted by reference in §34.630 of this subchapter and must be accompanied by all fees, documents, and information required by Insurance Code Chapter 6002 and this subchapter. A complete renewal application deposited with the United States Postal

Service is deemed to be timely filed, regardless of actual date of delivery, when its envelope bears a postmark date that is before the expiration of the certificate or license being renewed.

(2) A licensee with an unexpired license who is not employed by a registered firm at the time of the licensee's renewal may renew that license; however, the licensee may not engage in any activity for which the license was granted until the licensee is employed and qualified by a registered firm.

(e) Complete Applications. The application form for a license, registration, instructor approval, and training school approval must be accompanied by the required fee and must, within 180 days of receipt by the State Fire Marshal's Office of the initial application, be complete and accompanied by all other information required by Insurance Code Chapter 6002 and this subchapter, or a new application must be submitted including all applicable fees.

§34.616. Sales, Installation, and Service.

(a) Residential Alarms (Single Station).

(1) Registered firms may employ persons exempt from the licensing provisions of the Insurance Code §6002.155(10) to sell, install, and service residential, single station alarms. Exempted persons must be under the supervision of a residential fire alarm superintendent (single station), residential fire alarm superintendent, or fire alarm planning superintendent.

(2) Each registered firm that employs persons exempt from licensing provisions of the Insurance Code §6002.155(10) is required to maintain documentation to include lesson plans and annual test results demonstrating competency of said employees regarding the provisions of the Insurance Code Chapter 6002, adopted standards, and this subchapter applicable to single station devices.

(b) Fire Detection and Fire Alarm Devices or Systems Other than Residential Single Station.

(1) The installation of all fire detection and fire alarm devices or systems, including monitoring equipment subject to the Insurance Code Chapter 6002 must be performed by or under the direct on-site supervision of a licensed fire alarm technician, residential fire alarm technician, residential fire alarm superintendent, or a fire alarm planning superintendent, for the work permitted by the license. The certifying licensee must be licensed under the ACR number of the primary registered firm and must be present for the final acceptance test prior to certification.

(2) The maintenance or servicing of all fire detection and fire alarm devices or systems must be performed by or under the direct on-site supervision of a licensed fire alarm technician, residential fire alarm technician, residential fire alarm superintendent or a fire alarm planning superintendent, for the work permitted by the license. The licensee attaching a label must be licensed under the ACR number of the primary registered firm.

(3) If the installation or servicing of a fire alarm system also includes installation or servicing of any part of a fire protection sprinkler system and/or a fire

extinguisher system other than inspection and testing of detection or supervisory devices, the licensing requirements of the Insurance Code Chapters 6001 and 6003 must be satisfied, as appropriate.

(4) The planning and installation of fire detection or fire alarm devices or systems, including monitoring equipment, must be according to standards adopted in §34.607 of this chapter (relating to Adopted Standards) except when the planning and installation complies with a more recent edition of an adopted standard or a Tentative Interim Amendment published as effective by the NFPA.

(5) Fire alarm system equipment replaced in the same location with the same or similar electrical and functional characteristics and listed to be compatible with the existing equipment, as determined by a fire alarm planning superintendent, may be considered repair. The equipment replaced must comply with the current adopted standards but the entire system is not automatically required to be modified to meet the applicable adopted code. The local authority having jurisdiction must be consulted to determine whether to update the entire system to comply with the current code and if plans or a permit is required prior to making the repair.

(6) On request of the owner of the fire alarm system, a registered firm must provide all passwords, including those for the site-specific software, but the registered firm may refrain from providing that information until the system owner signs a liability waiver provided by the registered firm.

(c) Monitoring Requirements.

(1) A registered firm may not monitor a fire alarm system located in the State of Texas for an unregistered firm.

(2) A registered firm may not connect a fire alarm system to a monitoring service unless:

(A) the monitoring service is registered under Insurance Code Chapter 6002 or is exempt from the licensing requirements of that chapter; and

(B) the monitoring equipment being used is in compliance with Insurance Code §6002.25.

(3) A registered firm must employ at least one technician licensee at each central station location. Each dispatcher at the central station is not required to be a fire alarm technician licensee.

(4) A registered firm subcontracting monitoring services to another registered firm must advise the monitoring services subscriber of the identity and location of the registered firm actually providing the services unless the registered firm's contract with the subscriber contains a clause giving the registered firm the right, at the registered firm's sole discretion, to subcontract any or all of the work or service.

(5) A registered monitoring firm, reporting an alarm or supervisory signal to a municipal or county emergency services center, must provide, at a minimum, the type of alarm, address of alarm, name of subscriber, dispatcher's identification, and call-back phone number. If requested, the firm must also provide the name, registration number, and call-back phone number of the firm contracted with the subscriber to provide monitoring service if other than the monitoring station.

(6) If the monitoring service provided under this subchapter is discontinued before the end of the contract with the subscriber, the monitoring firm, central station, or service provider must notify the owner or owner's representative of the monitored property and the local authority having jurisdiction a minimum of seven days before terminating the monitoring service. If the monitored property is a one- or two-family-dwelling, notification of the local authority having jurisdiction is not required.

§34.620. Installation Labels.

(a) After the completion of an installation of new fire alarm equipment or a new system, or the extension, alteration, or modification to a fire alarm system already in place, an installation label must be affixed to the inside of the control panel cover or, if the system has no panel, in a permanent location. Yellow or red labels must not be attached for the installation of a new system or new equipment used in the extension, alteration, or modification to an existing fire alarm system.

(b) Installation labels must be white with black lettering.

(c) Installation labels must be approximately three inches in height and approximately three inches in width and must have an adhesive on the back.

(d) Installation labels must contain the following information in the format of the label as indicated in subsection (e) of this section:

(1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL"

(all capital letters in at least 10-point bold face type);

3381

(2) "INSTALLATION RECORD" (all capital letters in at least 10-point bold face type);

(3) the registered firm's name, address, and telephone number and the certificate of registration number (either main office or branch office) of the firm performing the installation;

(4) the installation date, the licensee's signature (a stamped signature is prohibited), and license number; and

(5) the name and license number of the fire alarm planning superintendent or residential fire alarm planning superintendent (as applicable) or professional engineer's name and license number who planned the system.

(e) Installation label:

Figure: 28 TAC §34.620(e):

<p>DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (for life of system) fire detection and fire alarm devices or system INSTALLATION RECORD (Post inside panel or at permanent location)</p> <p><i>Registered Firm's Name</i> <i>Street Address</i> <i>City, State, Zip</i> <i>Phone Number ACR- (number)</i></p> <hr/> <p>Installation Date Licensee Signature License #</p> <hr/> <p>Planning Superintendent (printed name)-License Number or Professional Engineer's name and License Number copied from record drawings used to install the system.</p>		
--	--	--

§34.623. Yellow Labels.

(a) If, after any service, inspection, or test, a system does not comply with applicable codes and adopted standards or is not being tested or maintained according to those standards, a completed yellow label must be attached to the outside of the control panel cover or, if the system has no panel, in a permanent location to indicate that corrective action is necessary.

(b) The signature of the licensee on a yellow label certifies that the conditions listed on the label cause the system to be out of compliance with applicable codes and standards.

(c) After attaching a yellow label, the licensee or the registered firm must notify the property owner, occupant or their representative and the local authority having jurisdiction in writing indicating the conditions with which the system does not comply with the applicable codes and standards. The notification must be postmarked, emailed, faxed or hand delivered within five business days of the attachment of the yellow label.

(d) Yellow labels must remain in place until the conditions are corrected and a service label is attached certifying that the corrections were made. The yellow label may be removed by a licensed employee or agent of a registered firm, an employee of the State Fire Marshal's Office or an authorized representative of a governmental agency with appropriate regulatory authority.

(e) Yellow labels must be approximately three inches in height and three inches in width and must have an adhesive on the back that allows for label removal.

3381

(f) Labels must be yellow in color with printed black lettering.

(g) Yellow labels must bear the following information in the format of the label as set forth in subsection (h) of this section:

(1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL"

(all capital letters in at least 10-point bold face type);

(2) "SYSTEM DOES NOT COMPLY WITH APPLICABLE CODES & STANDARDS" (all capital letters in at least 10-point bold face type);

(3) the registered firm's name, address, telephone number (either main office or branch office) and certificate of registration number of the firm attaching the yellow label;

(4) the date the label was attached, the licensee's signature (a stamped signature is prohibited) and license number; and

(5) a list of conditions resulting in the yellow label;

(h) Yellow label:

3381

Figure: 28 TAC §34.623(h):

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (until all conditions are corrected) SYSTEM DOES NOT COMPLY WITH APPLICABLE CODES & STANDARDS		
<i>Registered Firm's Name</i> <i>Street Address, City, State, Zip</i> <i>Phone Number ACR-(number)</i>		
Date	Licensee Signature	License #
List Conditions: _____		

REPORT STATUS TO OWNER & AHJ (in writing within 5 business days)		

§34.630. Application and Renewal Forms.

(a) The commissioner adopts by reference the License Application for Individuals For All Types of Fire Alarm Licenses, Form Number SF032, which contains instructions for completion of the form and requires information to be provided regarding the applicant and the applicant's employer.

(b) The commissioner adopts by reference the Renewal Application For Fire Alarm Individual License, Form Number SF094, which contains instructions for completion of the form; information regarding late fees; and requires information to be provided regarding the renewing applicant.

(c) The commissioner adopts by reference the Instructor Approval Application, Form Number SF247, which contains instructions for completion of the form and requires information to be provided regarding the applicant.

(d) The commissioner adopts by reference the Renewal Application For Instructor Approval, Form Number SF255, which contains instructions for completion of the form and requires information to be provided regarding the applicant.

(e) The commissioner adopts by reference the Training School Approval Application, Form Number SF246, which contains instructions for completion of the form, provides information regarding necessary filing documents pursuant to business entity type, and requires information to be provided regarding the applicant and course location and schedule.

(f) The commissioner adopts by reference the Renewal Application for Training School Approval form, which contains instructions for completion of the form, provides information regarding necessary filing documents by business entity type, and requires the training entity applicant to provide information regarding the applicant, course location, and schedule.

(g) The commissioner adopts by reference the Fire Alarm Certificate of Registration Application, Form Number SF031, which contains instructions for completion of the form, provides information regarding necessary filing documents by business entity type, and requires information to be provided regarding the applicant.

(h) The commissioner adopts by reference the Renewal Application For Fire Alarm Certificate of Registration, Form Number SF084, which contains instructions for completion of the form and requires information to be provided regarding the applicant.

(i) The forms adopted by reference in this section are available at the department's website at www.tdi.texas.gov.

SUBCHAPTER G. FIRE SPRINKLER RULES

§34.707. Adopted Standards.

(a) The commissioner adopts by reference in their entirety the following copyrighted standards and recommended practices published by and available from the National Fire Protection Association, Inc. (NFPA), Batterymarch Park, Quincy, Massachusetts 02269. A copy of the standards will be available for public inspection in the State Fire Marshal's Office.

(1) NFPA 13-2013, Standard for the Installation of Sprinkler Systems;

(2) NFPA 25-2014, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;

(3) NFPA 13D-2013, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes;

(4) NFPA 13R-2013, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies;

3381

(5) NFPA 14-2013, Standard for the Installation of Standpipe and Hose

Systems;

(6) NFPA 15-2012, Standard for Water Spray Fixed Systems for Fire

Protection;

(7) NFPA 16-2011, Standard for the Installation of Foam-Water Sprinkler

and Foam-Water Spray Systems;

(8) NFPA 20-2013, Standard for the Installation of Stationary Pumps for

Fire Protection;

(9) NFPA 22-2013, Standard for Water Tanks for Private Fire Protection;

(10) NFPA 24-2013, Standard for the installation of Private Fire Service

Mains and Their Appurtenances;

(11) NFPA 30-2012, Flammable and Combustible Liquids Code;

(12) NFPA 30B-2011, Code for the Manufacture and Storage of Aerosol

Products;

(13) NFPA 307-2011, Standard for the Construction and Fire Protection of

Marine Terminals, Piers, and Wharves;

(14) NFPA 214-2011, Standard on Water-Cooling Towers;

(15) NFPA 409-2011, Standard on Aircraft Hangars; and

(16) NFPA 750-2010, Standard on Water Mist Fire Protection Systems.

§34.711. Responsible Managing Employee (RME) License.

(a) Required. Each person designated as a responsible managing employee by a registered firm must have a license issued by the state fire marshal.

(b) Pocket License. An RME must carry a pocket license for identification while engaged in the activities of an RME.

(c) Duplicate License. An RME must obtain a duplicate license from the state fire marshal to replace a lost or destroyed license. The license holder must submit written notification of the loss or destruction without delay, accompanied by the required fee.

(d) Revised Licenses. The change of licensee's employer, home address, or mailing address requires a revised license. The license holder must submit written notification of the necessary change within 14 days of the change accompanied by the required fee.

(e) Restrictions.

(1) A licensee must not engage in any act of the business unless employed by a registered firm and holding an unexpired license.

(2) A registered firm must notify the state fire marshal within 14 days after termination of employment of an RME.

(3) A license is neither temporarily nor permanently transferable from one person to another.

(f) Types.

(1) RME-General--A license issued to an individual who is designated by a registered firm to ensure that any fire protection sprinkler system, as planned, installed, maintained, or serviced, meets the standards provided by law.

(2) RME-Dwelling--A license issued to an individual who is designated by a registered firm to ensure that the fire protection sprinkler system for a one- and two-family dwelling, as planned, installed, maintained, or serviced, meets the standards provided by law.

(3) RME-Underground Fire Main--A license issued to an individual who is designated by a registered firm to ensure that the underground fire main for a fire protection sprinkler system, as installed, maintained, or serviced, meets the standards provided by law.

(4) RME-General Inspector--A license issued to an individual who is designated by a registered firm to perform the inspection, test, and maintenance service for a fire protection sprinkler system according to the standards adopted in this subchapter.

§34.716. Installation, Maintenance, and Service.

(a) All fire protection sprinkler systems installed under Insurance Code Chapter 6003 must be installed under the supervision of the appropriate licensed responsible managing employee.

(1) An "RME-General" may supervise the installation of any fire protection sprinkler system including one- and two-family dwellings.

(2) An “RME-Dwelling” may only supervise the installation of a fire protection sprinkler system in one- and two-family dwellings.

(3) An “RME-Underground Fire Main” may only supervise the installation of an assembly of underground piping or conduits, that conveys water with or without other agents, used as an integral part of any type of fire protection sprinkler system.

(b) On completion of the installation, the licensed responsible managing employee type G, D or U (as applicable) must have affixed a contractor’s material and test certificate for aboveground or underground piping on or near the system riser. If the adopted installation standard does not require testing, all other sections except the testing portion of the contractor’s material and test certificate must still be completed. The contractor’s material and test certificate must be obtained from the State Fire Marshal’s Office. The certificate must be distributed as follows:

(1) original copy kept at the site after completion of the installation;

(2) second copy retained by the installing company at its place of business in a separate file used exclusively by that firm to retain all “Contractor’s Material and Test Certificates.” The certificates must be available for examination by the state fire marshal or the state fire marshal’s representative on request. The certificates must be retained for the life of the system; and

(3) third copy to be sent to the local authority having jurisdiction within 10 days after completion of the installation.

(c) Service, maintenance, or testing, when conducted by someone other than an owner, must be conducted by a registered firm and in compliance with the appropriate

adopted standards. The inspection, test, and maintenance service of a fire protection sprinkler system, except a one- and two-family dwelling, must be performed by an individual holding a current RME-General Inspector or RME-General license. A visual inspection not accompanied by service, maintenance, testing, or certification does not require a certificate of registration.

(d) The firm must keep complete records of all service, maintenance, testing, and certification operations. The records must be available for examination by the state fire marshal or the state fire marshal's representative.

(e) All vehicles regularly used in service, maintenance, testing, or certification activities must prominently display the company name, telephone number, and certificate of registration number. The numbers and letters must be at least one inches in height and must be permanently affixed or magnetically attached to each side of the vehicle in a color contrasting with the background color of the vehicle. The certificate of registration number must be designated in the following format TX: SCR-number.

(f) Each registered firm must employ at least one full-time RME-General or RME-Dwelling licensee at each business office where fire protection sprinkler system planning is performed, who is appropriately licensed to conduct the business performed by the firm.

(g) The planning of an automatic fire protection sprinkler system must be performed under the direct supervision of the appropriately licensed RME.

(h) The planning, installation, or service of a fire protection sprinkler system must be in accord with the minimum requirements of the applicable adopted standards in

§34.707 of this title (relating to Adopted Standards) except when the plan, installation, or service complies with a more recent edition of the standard that has been adopted by the political subdivision in which the system is installed.

§34.718. Installation Tags.

(a) On completion of the installation of a fire protection sprinkler system, all information for an installation tag must be completed in detail to indicate the water supply test data obtained during the time of installation. The tag must be securely attached by a durable method to the riser of each system. The fire protection system must not be tagged until the system complies with the applicable NFPA installation standard, including freeze protection methods.

(b) On completion of the installation of a fire protection sprinkler system and after performing the required initial tests and inspections, an ITM tag, in addition to the installation tag, must be attached to each riser in accordance with the procedures in this subchapter for completing and attaching ITM tags.

(c) A new installation tag must be attached, in addition to the existing installation tag, each time more than twenty sprinkler heads are added to a system.

(d) Installation tags must remain on the system for the life of the system.

(e) Installation tags may be printed for multiple years.

(f) Installation tags must be white in color, 5-1/4 inches in height, and 2-5/8 inches in width. The tag and attaching mechanism must be sufficiently durable to remain attached to the system for the life of the system.

3381

(g) Installation tags must contain the following information in the format of the sample tag in subsection (h) of this section:

(1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL"

(all capital letters, at least 10-point boldface type);

(2) firm's name, address, phone number, and certificate of registration number;

(3) day, month, and year (to be punched);

(4) "THIS TAG CONTAINS IMPORTANT INFORMATION ABOUT THIS SPRINKLER SYSTEM AND MUST REMAIN ATTACHED TO THE SYSTEM FOR THE LIFE OF THE SYSTEM." (All capital letters, at least 10-point boldface type.);

(5) name and address of owner or occupant;

(6) building number, location, or system number;

(7) static and flowing pressure of the main drain test taken at the riser or lead-in;

(8) static and residual pressure with the measured in gallons per minute flowing of the water supply flow test used to hydraulically design the system;

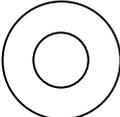
(9) signature of RME-G or D; and

(10) license number of RME-G or D.

(h) Sample installation tag:

3381

Figure: 28 TAC §34.718(h):



**DO NOT REMOVE BY ORDER OF
TEXAS STATE FIRE MARSHAL**

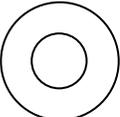
16	1
17	2
18	3
19	4
20	5
21	6
22	7
23	8
24	9
25	10
26	11
27	12
28	13
29	14
30	15
31	

**ORIGINAL
INSTALLATION
TAG**

*Name & Address
of Sprinkler Firm
Phone Number
SCR-Number*

**THIS TAG
CONTAINS
IMPORTANT
INFORMATION
ABOUT THIS
SPRINKLER
SYSTEM AND
MUST REMAIN
ATTACHED TO
THE SYSTEM
FOR THE LIFE
OF THE SYSTEM.**

JAN	FFB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2019
2014		2015		2016		2017		2018				



After an installation, conduct a MAIN DRAIN TEST at the system lead-in or riser and record the information on this tag and the Contractor's Material and Test Certificate. Also copy the original flow test results, used to design the system, as noted on the plans.

Name of Owner or Occupant

Address

Building No. or Location or System No.

MAIN DRAIN TEST at lead-in or riser

Static: _____ psi

Flowing: _____ psi

WATER SUPPLY FLOW TEST (i.e. at street)

Static: _____ psi

Residual: _____ psi

with: _____ GPM Flowing

Signature of RME-G or D / License No.

§34.719. Service Tags.

(a) After any service, all sections of a service tag must be completed in detail, indicating all the services that have been performed, and then the tag must be attached to the respective riser of each system.

(b) After any service, if noncompliant conditions or impairments exist, the service person must attach, in addition to attaching a service tag, the appropriate yellow tag or

red tag according to the procedures in this subchapter for completing and attaching yellow and red tags.

(c) A new service tag must be attached each time service is performed.

(d) Service tags must remain on the system for five years, after which they may only be removed by an authorized employee of a registered firm. An employee of the state fire marshal's office or an authorized representative of a governmental agency with appropriate regulatory authority may remove excess tags at any time.

(e) Tags may be printed for multiple years.

(f) Tags must be white, 5-1/4 inches in height, and 2-5/8 inches in width.

(g) Service tags must contain the following information in the format of the sample tag as set forth in subsection (h) of this section:

(1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL"

(all capital letters, at least 10-point boldface type);

(2) firm's name, address and phone number;

(3) firm's certificate of registration number;

(4) applicable RME's name and license number;

(5) signature of service person;

(6) day, month, and year (to be punched);

(7) type of work (to be punched);

(8) name and address of owner or occupant;

(9) building, location or system number;

(10) a list of services performed;

3381

(11) date any yellow tag conditions were corrected (punch if applicable);

and

(12) date any red tag conditions were corrected (punch if applicable).

(h) Sample service tag:

Figure: 28 TAC §34.719(h):

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL

SERVICE TAG

Name & Address of Sprinkler Firm
Phone Number
SCR-Number

RME's Name

RME's License No.

Signature of Service Person

TYPE OF WORK

Service
 Remodel
 Other

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC
2005 2006 2007 2008 2009 2010

After any service or addition, attach this service tag to the applicable system riser. Also attach or remove a yellow or red tag if appropriate. Tags shall be retained on the riser for five years.

Name of Owner or Occupant

Address

Building No. or Location or System No.

List Services:

Corrected all **YELLOW TAG** conditions from tag dated _____

Corrected all **RED TAG** conditions from tag dated _____

3381

§34.721. Yellow Tags.

(a) If a fire protection sprinkler system is found to be noncompliant with applicable NFPA standards, is not being tested or maintained according to adopted standards, or found to contain equipment that has been recalled by the manufacturer, but the noncompliance or recalled equipment does not constitute an emergency impairment, a completed yellow tag must be attached to the respective riser of each system to permit convenient inspection, to not hamper the system's actuation or operation, and to indicate that corrective action is necessary.

(b) The signature of the service person or inspector on a yellow tag certifies the conditions listed on the tag cause the system to be out of compliance with NFPA standards.

(c) After attaching a yellow tag, the service person or inspector must notify the building owner or the building owner's representative and the authority having jurisdiction in writing of all noncompliant conditions. The notification must be postmarked, emailed, faxed, or hand delivered within five business days of the attachment of the yellow tag.

(d) A yellow tag may only be removed by an authorized employee of a registered firm or an authorized representative of a governmental agency with appropriate regulatory authority after the employee or representative completes and attaches a service tag that indicates the noncompliant conditions were corrected.

(e) Yellow tags may be printed for multiple years.

3381

(f) Yellow tags must be the same size as service tags, and must contain the following information in the format of the tag as set forth in subsection (g) of this section:

(1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL"

(all capital letters, at least 10-point boldface type);

(2) firm's name, address, and phone number;

(3) firm's certificate of registration number;

(4) license number of RME;

(5) printed name of service person or inspector;

(6) signature of service person or inspector;

(7) day, month, and year (to be punched);

(8) name and address of owner or occupant;

(9) building number, location, or system number; and

(10) list of items not compliant with NFPA standards.

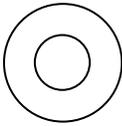
(g) Sample yellow tag

Figure: 28 TAC §34.721(g):

3381

TITLE 28. INSURANCE
 Part I. Texas Department of Insurance
 Chapter 34. State Fire Marshall

Adopted Sections
 Page 78 of 79



**DO NOT REMOVE BY ORDER OF
 TEXAS STATE FIRE MARSHAL**

YELLOW TAG

16	1
17	2
18	3
19	4
20	5
21	6
22	7
23	8
24	9
25	10
26	11
27	12
28	13
29	14
30	15
31	

*Name & Address
 of Sprinkler Firm
 Phone Number
 SCR-Number*

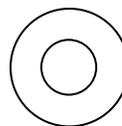
RME's License Number

Printed name of
 serviceperson / inspector

Signature of authorized
 serviceperson / inspector

JAN	2014
FEB	
MAR	
APR	
MAY	2016
JUN	
JUL	
AUG	
SEP	
OCT	2018
NOV	
DEC	2019

**REPORT STATUS
 TO OWNER AND
 AHJ
 IN WRITING
 (within 5 business
 days)**



The system has been found to be noncompliant, is not being tested or maintained per standards, or contains recalled equipment. An authorized individual may remove this tag after a service tag has been attached indicating the condition has been corrected.

Name of Owner or Occupant

Address

Building No. or Location or System No.

List items not compliant with NFPA standards:

CERTIFICATION. This agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on July 2, 2014.



 Sara Waitt

3381

TITLE 28. INSURANCE
Part I. Texas Department of Insurance
Chapter 34. State Fire Marshall

Adopted Sections
Page 79 of 79

General Counsel
Texas Department of Insurance

The commissioner adopts amendments to 28 TAC Chapter 34, Subchapter E, Fire Extinguisher and Installation §§34.501, 34.507, 34.510, 34.511, 34.517, and 34.520; Subchapter F, Fire Alarm Rules, §§34.604, 34.607, 34.610, 34.611, 34.613, 34.616, 34.620, 34.623, and 34.630; and Subchapter G, Fire Sprinkler Rules §§34.707, 34.711, 34.716, 34.718, 34.719, and 34.721.


Julia Rathgeber
Commissioner of Insurance

COMMISSIONER'S ORDER NO. **3381**